

**REMARKS**

This response has been prepared in full response to the Office action mailed on 21 September 2004 (Paper No. 09697044). Allowance of claims 1 through 22, 25 through 50, 52, 53 and 60 is appreciated.

**Status of Claims**

Claims 1 through 22 are original claims. Claims 23 through 60 were previously added. Of all of the pending claims, claims 1, 3, 13, 23, 25, 35, 45, 48, 51 through 55, 57, 58 and 60 are independent claims while the remaining claims are dependent claims. Claims 1 through 22, 25 through 50, 52, 53 and 60 are allowed as set forth in the present Office action.

By this Amendment, claims 23, 51, 55 and 58 are being amended. Specifically, in claim 24, at line 4, "memory means for storing ID code data" has been changed to read --a memory disposed to store ID code data--; in claim 51, at line 2, "image information signal" has been changed to read --image signals--, and at line 9, "said presentation" has been changed to --said display--; and in claims 55 and 58, at line 12, "epicosotic" has been corrected to --episodic--.

Thus, claims 1 through 60 remain pending in this application.

**Rejection of Claims Under 35 U.S.C. §112**

Claims 51, 55, 56, 58 and 59 are rejected under the second paragraph of 35 U.S.C. §112 for alleged indefiniteness. Specifically, claim 51 is rejected for lack of antecedent basis, and the remaining claims for use of the term "epicosotic" which the Examiner asserts "indefinite".

**Claim 51**

Specifically, the Examiner questioned whether the phrase “said presentation” had sufficient antecedent basis in claim 51. To avoid this issue, claim 51 is amended to substitute --display-- for “presentation.”

**Claims 55 and 58**

The Examiner stated that the term “epicosotic” is a relative term. Applicant finds that this term is a typographic error; claims 55 and 58 are, in each instance, amended to substitute the adverb --episodic-- for “epicosotic.” There is no basis in the context of either claim 55 or 58 to assert that the adverb *episodic* is “a relative term” or that the adverb *episodic* renders either of these claims indefinite.

**Rejection of Claims Under 35 U.S.C. §102(b)**

Claims 23, 54 and 57 are rejected under 35 U.S.C. § 102(b) for alleged anticipation by Beery, U.S. Patent No. 5,068,734. Applicant respectfully traverses this rejection for the following reasons.

Beery ‘734 discloses “a television control system” which “enables the viewer of the television receiver to select a desired channel using a channel designation which the viewer or some other operator has previously chosen for the particular channel desired. This designation may be different from the designation assigned by the cable service provider or governmental control agency. In this way, the user can select a designation (or “select code”) which make

sense to the individual user. Such a designation may be comprised of numeric characters, alphabetic characters, or both. Afterwards, appropriate keys on the keypad 36 under a remote control unit are actuated for channel selection.”<sup>1</sup> The remote control unit “operates under control of its own processing unit 34, which may be for example a microprocessor located on a single integrated circuit chip.”<sup>2</sup> Thus, “processing unit 34 is connected to a transmitter 38 which generates, preferably, an infrared signal containing the *control information*. Such information is transmitted to the television receiver unit being received by receiver 24.”<sup>3</sup> A “local display 42 may be provided for displaying commands as they are entered through keypad 36, or for displaying control information concerning the television receiver or its tuning.”<sup>4</sup>

### Claim 23

In support of the rejection, the Examiner argued that:

- “Beery discloses a display device attachable to a computer, displaying an image in (Fig. 1).”
- “Berry discloses a circuit for converting electronic signals from computer into image in (Fig. 1).”
- “Berry discloses memory means for storing ID code date input via a user in (col. 3, lines 34-45).”
- “Berry discloses a microcomputer for controlling display device responsive to a result of a comparison between an ID code input by a user with ID code data stored in memory and for receiving signals from

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<sup>1</sup> Beery ‘734, column 5, lines 44-55.

<sup>2</sup> Beery ‘734, column 5, lines 5-9.

<sup>3</sup> Beery ‘734, column 5, lines 12-16.

<sup>4</sup> Beery ‘734, column 5, lines 28-31.

computer to control an operation of display device in (col. 5, lines 5-16; col. 8, lines 8-11-46-50 and Fig. 2)."

The Examiner has improperly paraphrased the language of the pending claims. Moreover, the Examiner has improperly read into Beery '734 language that does not appear in that reference, but appears only in Applicant's pending claims. In view of the omissions and deficiencies, there is no basis for anticipation.

Third, Applicant defines in claim 23, among other features,

"A circuit for *converting* electronic signals *from said computer into said image* ... and a microcomputer for receiving signals from said computer to control an operation of said display device."

What is singularly missing from the Examiner interpretation of Beery '734, is the cooperation and interaction defined by Applicant's claim 23 between the "circuit" and the "microcomputer." Regardless of whether the Examiner is reading processing unit 34 in the remote controller as the "microcomputer" or system control processor 22 in the "system apparatus" of Beery '734 as the "microcomputer", neither processing unit 22, 34 satisfies the entirety of these aspects and features defined by Applicant's claim 23. Moreover, processor unit 34 receives no signals from system control processor 30. Furthermore, it is system control processor 30, rather than processing unit 34, that acts upon the first, second and third data sets. Additionally, neither processing unit 34 or system control processor 30 may be read as "converting electronic signals from said computer into said image" in view of the office attributed by Beery '734 to tuner 18. Ever since the decision of the United States Supreme Court in *O'Reilly et al. v. Morse et al.*, (56 U.S 62) different signals, as is explained in claim 5 of the third reissued patent, carry

different significances, and these differences may not be ignored in determinations of anticipation. Consequently, tuner 18 of Beery '734 may not be read as "converting" those "electronic signals" received from system control processor 30 "into said image" as defined by claim 23.

In view of the foregoing omissions and deficiencies in Beery '734, there is no anticipation. Withdrawal of this rejection is therefore required.

**Claims 54 and 57**

In support of the rejection, the Examiner asserts that:

- "Beery discloses a display device providing a screen displaying variable visual images (Fig.1, 2)."
- "Beery discloses a circuit converting electronic signals from a source of video image signals attachable to display device into images in (Fig.1)."
- "Beery discloses memory means for storing ID code data input via user (col.3., lines 34-45)."
- "Beery discloses a microcomputer for controlling display device responsive to a result of a comparison between an ID code input by user with ID code data stored in memory and for receiving signals from computer to control an operation of display device in conformance with signals concurrently received from source in (col. 5, lines 5-16; col. 8, lines 8-11-46-50 and Fig. 1, 2)."

First, the language asserted by the Examiner appears nowhere in Beery '734, and is found solely in Applicant's pending claims. Attribution of the features and aspects of Applicant's claims to the prior art is impermissible, when that art fails to disclose the attributes.

Second, regardless of whether the Examiner designates "system control processor 30" or "processing unit 34" as Applicant's "microcomputer", neither of those elements of Beery

'734 may be read as both "controlling said display device in dependence upon a result of the comparison ... *while* controlling operation of said display device ... ." Only a single scheme for controlling the display device 10 or the "display means" (also referred to as the "local display") of the remote control unit of Beery '734. Moreover, neither "system control processor 30" nor "processing unit 34" of Beery '734 may be said to both provide "controlling said display device in dependence upon a result of the comparison" and also "controlling operation of said display device in conformance with signals concurrently received from said source" of video image signals, primarily because the control disclosed by Beery '734 through "system control processor 30" and "processing unit 34" controls operation of the display device *independently* of any signals concurrently received from a source of video signals. Should the Examiner disagree, the Examiner is respectfully requested pursuant to 37 C.F.R. §1.141(c)(2), to identify exactly which constituent component and which teaching of Beery '734 controls operation of said display device in conformance with signals concurrently received from said source. Since the "processing 34" and the "system control processor 30" operate in response to user direction, both intrinsically and necessarily operate *independently* of signals received from the source of video images, no conformance can be exhibited. Moreover, in these control schemes of Beery '734, no concurrence can occur, because the "control" and "display" are inherently sequential.

In view of these omissions and deficiencies in the prior art, there is no anticipation. This rejection must be withdrawn.

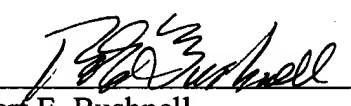
**Allowable Subject Matter**

Claim 24 is objected to for dependency upon a rejected base claim, but the Examiner stated that claim 24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1 through 22, 25 through 50, 52, 53 and 60 are allowed.

A petition for a one month extension of time and an Applicant's check in the amount of \$120.00 drawn to the order of Commissioner accompanies this response. Should the petition become lost, the Commissioner is requested to treat this paragraph as a petition for an extension of time, and should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



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